

**REMARKS**

This Amendment is filed in response to the non-final Office Action dated May 12, 2009, and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance are respectfully requested.

In the present Amendment, the specification has been amended to provide a separate sheet for the abstract of the disclosure.

Claims 1-13 have been canceled without prejudice or disclaimer.

Claim 14 has been rewritten as an independent claim and has been amended to delete multiple claim dependency and to recite a process, with active process steps. Support for the amendment to claim 14 can be found in the language of the original claim 14, and in the specification on page 7, line 38 to page 8, line 11, for example.

Claim 15 has been amended to delete multiple claim dependency, to delete the phraseology "hydrogen peroxide and tert-butyl hydroperoxide being preferred," and to incorporate the subject matter of claim 1. Support for the amendment to claim 15 can be found in original claim 15, for example.

Claim 22 has been amended to recite hydrogen peroxide as a representative for the oxidizing agent. Support for the amendment to claim 22 can be found in original claim 16, for example.

Claims 23-26 are newly added. Claims 23-26 depend from claim 14 or 15 and further incorporate the subject matter of claims 2-5, respectively. Support for claims 23-26 can be found

in the language of the original claims 14 and 15, and in the specification on page 7, line 38 to page 8, line 11, for example.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 14-26 will be all the claims pending in the application. With multiple dependencies, there are now 28 total claims; having paid for 22 claims previously, an appropriate excess fee transmittal form is submitted herewith.

As an initial matter, Applicants thank the Examiner for indicating that claims 14-21 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph [and 35 U.S.C. §101]. In view of the amendments to the claims, Applicants respectfully submit that claims 14-21 are now in condition for allowance. Accordingly, reconsideration and allowance of this application are believed to be in order.

**I. Response to Objections to the Specification**

The specification is objected to because the abstract of the disclosure does not commence on a separate sheet in accordance with 37 C.F.R. § 1.52(b)(4).

Applicants respectfully request that the objection be withdrawn in view of the amendments to the specification, which provide a separate page for the abstract of the disclosure. Accordingly, the abstract of the disclosure in the present application is in compliance with 37 C.F.R. § 1.52(b)(4).

## **II. Response to Claim Objections**

Claims 14 and 15 are objected to because the claims depend from withdrawn claims.

Claim 14 has been rewritten as an independent claim. Furthermore, claim 15 has been amended to incorporate the subject matter of claim 1. Accordingly, claims 14 and 15 do not depend from a withdrawn claim. Withdrawal of the objection is respectfully requested.

## **III. Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 14-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 14 has been rewritten as an independent claim and has been amended to recite a process/method, with active process steps. Support for the amendment to claim 14 can be found in the language of the original claims, and the specification on page 7, line 38 to page 8, line 11, for example.

Claim 15 is directed to a process of purification which includes at least one process step; i.e., a first stage of hydrotreating the hydrocarbon feedstock in the presence of a catalyst. Thus, Applicants submit that claim 15 is definite with respect to this point. Additionally, claim 15 has been amended to delete multiple claim dependencies and to incorporate the subject matter of claim 1. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 16-22 depend from claim 15 and are therefore definite for at least the reasons mentioned with respect to claim 15. Accordingly, withdrawal of the rejection of claims 16-22 is respectfully requested.

**IV. Response to Rejection Under 35 U.S.C. § 101**

Claim 14 is rejected under 35 U.S.C. §101 because, per the Examiner, the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. § 101.

Claim 14 has been rewritten as an independent claim and has been amended to recite a process/method, with active process steps. Applicants respectfully request that the rejection be withdrawn in view of the amendment to claim 14.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Nyeemah A. Grazier/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

---

Nyeemah A. Grazier  
Registration No. 63,657

Date: July 31, 2009